

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

AIMEE MADDONNA, ) Civil Action Number: 6:19-cv-00448-TMC  
                        )  
Plaintiff,           )  
                        )  
vs.                   )  
                        )  
UNITED STATES DEPARTMENT OF       )  
HEALTH & HUMAN SERVICES;       )  
ALEX M. AZAR, II, in his official   )  
capacity as Secretary of the       )  
United States Department of Health   )  
and Human Services;                )  
Administration For Children and Families   )  
Department of Health and Human Services; )  
STEVEN WAGNER, in his official       )  
capacity as Principal Deputy Assistant   )  
Secretary for the Administration for    )  
Children and Families,              )  
                        )  
Defendants.           )

**FEDERAL DEFENDANTS' MOTION TO DISMISS**

Defendants United States Department of Health and Human Services (“HHS”); Administration for Children and Families (“ACF”); Alex Azar, in his official capacity as Secretary of HHS; and Steven Wagner, in his official capacity as Principal Deputy Assistant Secretary of ACF (collectively the “Federal Defendants”), file this Motion to Dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

For the reasons set forth in the attached Memorandum, Federal Defendants respectfully request that the Court dismiss Plaintiff’s Complaint against the Federal Defendants pursuant to

Rule 12(b)(1) for lack of subject matter jurisdiction and Rule 12(b)(6) for failure to state a claim.

Dated: April 26, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

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United States Attorney

By: s/ Christie V. Newman

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\**Pro hac vice* application forthcoming

*Counsel for Federal Defendants*